

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHAWN C. SHARP,
Petitioner,

CIVIL ACTION

v.

**SUPT. JEROME WALSH, and
THE ATTORNEY GENERAL FOR THE
STATE OF PENNSYLVANIA,
Respondents.**

NO. 13-3634

ORDER

AND NOW, this 21st day of January, 2014, upon consideration of *pro se* Habeas Corpus Petition Under 28 U.S.C. § 2254 filed by Shawn C. Sharp, the record in this case, the Report and Recommendation of United States Magistrate Judge Timothy R. Rice dated November 25, 2013, and Petitioner's Objections to the Magistrates [sic] Report and Recommendation, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Timothy R. Rice dated November 25, 2013, is **APPROVED AND ADOPTED**;
2. Petitioner's Objections to the Magistrates [sic] Report and Recommendation are **OVERRULED** for the reasons set forth in the Report and Recommendation – the ruling of the United States Supreme Court in *Miller v. Alabama*, 132 S.Ct. 2455 (2012), is inapplicable to petitioner because he was not under the age of eighteen at the time of the commission of the crime at issue in this case;
3. The *pro se* Habeas Corpus Petition Under 28 U.S.C. § 2254 filed by Shawn C. Sharp is **DENIED**; and,
4. A certificate of appealability will not issue because reasonable jurists would not debate (a) this Court's decision that the petition does not state a valid claim of the denial of a

constitutional right, or (b) the propriety of this Court's procedural rulings with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

s/ Jan E. DuBois
DuBOIS, JAN E., J.